

SPEECH

OF

MR. M'DUFFIE, OF SOUTH CAROLINA,

IN EXECUTIVE SESSION,

1790 - 1850

On the Treaty for the Reannexation of Texas to the United States:

DELIVERED IN THE SENATE OF THE UNITED STATES, MAY 23, 1844.

Mr. McDUFFIE rose and addressed the Senate nearly as follows:

In proceeding, Mr. President, to discuss this great national question, I shall commence by laying down a fundamental proposition which will cover the whole ground of controversy. I affirm, then, that it was not only the right, but the duty of the President of the United States to initiate this inchoate treaty for the annexation of Texas to these United States; and it is now both the right and the duty of this Senate to ratify and confirm it. In saying this, I have exposed the whole of our line of battle. Before, however, I proceed to defend it against the direct assaults of the adversary, I shall attempt to dislodge the honorable Senator from Missouri, [Mr. BENTON,] from a position, a skirmishing position, which he has assumed upon our flank. The honorable Senator, as if to aggravate the enormity of the atrocious violation of our national faith, which would be involved in the ratification of such a treaty, has given us a learned geographical disquisition on the question of boundary, intended to show that in receiving Texas, we have not taken the republic of Texas only, but also a large portion of new Spain. I shall not enter upon any geographical discussion as to what are the true boundaries of Texas, because I consider that whole question as having been perfectly exhausted by the able and conclusive argument of the honorable Senator from Mississippi, [Mr. WALKER.] But, be the boundary what it may, so far as the argument of the honorable Senator from Missouri is concerned, it is perfectly immaterial to the issue. What is his argument? That this treaty conveys to the United States a large portion of New Spain, under the general name of "the territories of Texas;" and he then proceeds gravely to demonstrate that this territory is not embraced under the denomination of Texas! Why, sir, Texas professes, and the treaty professes, in its very terms, to convey to us "all the territories of the republic of Texas, and nothing more." But the Senator from Missouri, has discovered, that, by some incomprehensible juggle, she has actually conveyed more than herself! Now, it is self-evident, on inspection, that the treaty neither does convey, nor is intended to convey, one solitary square foot of land which does not rightfully belong

to Texas. The honorable senator, to strengthen his assumed position, introduced an illustration, most unfortunate for his own purpose, but admirably adapted to mine. He presented the case of a land owner who has a good and valid title to a portion of his estate, and a mere pretended and unfounded claim to the residue, and sells the whole by a general designation, specifying no boundaries. And he maintains that the purchaser in this case would take not only the land covered by a good title, but also the land covered only by a false claim. This may be law in Missouri, but it certainly is not in South Carolina.

The question here is, What has Texas conveyed to the United States? And the true answer is, All the territory belonging to the republic. We take Texas as she is, and whatever she is, and no more. If the honorable senator has succeeded in showing that the true boundary of Texas is not the Rio del Norte, he has only shown that we have not made quite so good a bargain as some gentlemen may have supposed. Yet it is to be trumpeted throughout the Union that, by this treaty, we have seized upon a great part of New Spain!

But this is not all. The government of the United States, in this treaty, with a feeling of becoming regard to the rights of Mexico, as well as those of Texas, has not designated the territory conveyed by specified boundaries, but has left the whole question of boundary an open question. The boundary of Texas is not referred to in the treaty at all; while, at the same time, the correspondence which accompanies it clearly shows the *animus*—the true intent and purpose, with which that matter was left an open question: it is, that it should be subsequently settled on equitable, just, and liberal terms with Mexico. From this view of the circumstances, it is evident that no additional atrocity is given to our imputed violation of good faith in this transaction, from an attempt to purchase what we know Texas had no right to convey.

I come, now, to the positions assumed by honorable Senators on the other side, in direct opposition to the ratification of the treaty.

And, first, it has been contended, with all the variations of phrase, all the flourishes of rhetoric, and all the emphasis of denunciation, that should this

treaty be ratified, the government and people of the United States will be obnoxious to the charge of a gross violation of the public faith, and will make themselves the object of universal scorn and detestation throughout the civilized world. Why, sir, have honorable Senators forgotten the history of our own country?—the origin of these States, and the achievement of their independence? What was our condition in 1778? We were waging an unequal war with the most powerful nation of the world; her fleets darkened our coasts; her armies desolated our fields; and distant nations, while they witnessed with wonder the boldness of our defiance, looked with confidence to the hour when we should sink in the conflict, and be completely subjugated by the gigantic power of Britain. At that dark hour, pregnant as it was with our future fate, France generously stepped forward and tendered to us the hand of friendship, at an hour when we were not recognised by the other nations of the world, and were scarcely known to some of them; and in the very act of recognition, she at the same time formed with our infant States a treaty of alliance, offensive and defensive. And do Senators find, in any historian who has mentioned this eventful transaction, the smallest imputation upon the government or people of France, as having been guilty of a breach of national faith, and an obnoxious violation of her treaty obligations with Great Britain? Do they charge her with having tarnished her escutcheon by an act of public perfidy? I have seen no such charge. On the contrary, I believe the act was regarded as magnanimous and rightful, by the common consent of civilized nations. France clearly had the right to enter into such a treaty, without incurring the slightest imputation of bad faith. I tell these senators they are talking about a question which is not involved in this treaty at all. Their charge involves a total misuse of words, and is founded on a total misconception of things. If this government had even contracted an alliance, offensive and defensive, with Texas, at the time that Santa Anna was marching to meet a disastrous and disgraceful defeat at San Jacinto, she would have violated no principle of national faith, nor any dictate of international law. She would have done that, and that only, which she had an indisputable right to do, and which, at that time, many among us (of whom I was not one) held to be as much our duty as it would be that of a parent to rescue a child from the fangs of a rattle-snake or the crushing folds of a boa constrictor. We see, then, at once, that this assumed violation of faith is wholly gratuitous, and rests on a total misconception. National faith is no part of the issue. If, indeed, we had recently entered into a treaty with Mexico, guarantying to her this very territory, in that case, and in that only, would the ratification of this treaty raise a question of faith between the United States and that country. I have assumed that we had done in 1836 what we then properly refused to do. I have shown that even this would have been no breach of our national faith. I will now consider this imputation as founded upon the facts as they exist at this moment. What is the condition of Texas now? Since the period to which I have referred, the memorable battle of San Jacinto has been fought; and, contrary to the general expectation at the time—contrary, I acknowledge, to my own anticipations—the power of Mexico over her then revolted province was (as subsequent events have fully demonstrated) stricken down forever. Even after that battle was fought

and won by Texas, disastrous as it was to Mexico, to Santa Anna and his invading army, I believed that the pride of Mexico would have been roused to redoubled exertions; and that, in the next campaign, Texas would have been overwhelmed in the unequal contest. That was the general expectation in this country; and great sympathy was felt in all parts of it with the weaker party. Yet our government scrupulously abstained from interference. But, after the lapse of twelve months, so far from manifesting anything like the high Castilian pride and heroism which has here been so loudly claimed for her by the senator from Missouri, Mexico still left the soil of Texas uncontaminated by the footsteps of a single hostile soldier. The question was then raised, in this new aspect of affairs, whether we should recognise the independence of Texas? And our government, acting with the same prudence and caution which had been exercised in the case of recognising Mexico, being satisfied that Texas had practically established her independence and furnished ample evidence of her ability to maintain it, recognised that independence accordingly. And now, having been the first to do this, and introduce her into the family of nations, is it for us to say that she is an independent power, and yet destitute of the essential attributes of sovereignty? A star shorn of its beams? What was the amount of our recognition, if it did not admit that she possessed all the functions and rights incident to sovereignty? Such, then, is Texas—republican Texas—by our own recognition, rightfully made, both by the laws of God and nations. But we are not alone in this solemn acknowledgment. Great Britain, France, Holland, and Belgium, have all concurred in the recognition; and Great Britain—I state it to show how unfounded are the sympathies here manifested for Mexico,—Great Britain has very clearly indicated that she never will allow Texas to be subjugated by Mexico. She has interposed as a mediator, out of humanity, and from a regard to the general interests of the world, and from an avowed regard to her own commercial interests. It may be said that, in this, she is governed by the dictates of a selfish policy. This may be so: and I would like to know by what purer or holier motive States are usually actuated than by an enlightened self-interest? I do not complain of Great Britain for this course, provided she does not tread upon the toes or interfere with the rights of the United States. She has an undoubted right to do all she can to advance her own commercial interests. Such, then, is now the condition of Texas. Her sovereignty has been acknowledged by five of the leading commercial powers of this civilized world. She possesses all the attributes of national sovereignty, and all the elements and institutions of self-government in full and quiet operation; more so, by far, than Mexico. If a comparison be instituted between them, it will be found that her existence and perpetuity as a nation, and her stability as a government are by far more firmly established, than those of Mexico herself. Can there be a question, then, whether Texas has all the rights of an independent power? If she has achieved her right to independence and now holds it by that highest of all titles, the unanimous hearts and brave arms of freemen, I should like to hear on what subtle metaphysical distinction any man will undertake to say that, though she is in fact independent, yet that there is some *de jure* phantom of Mexican "divine right" in the way, which precludes her from doing "what

sovereign States may of right do." This idea of *de jure* dependence and *de facto* independence, is ingenious beyond all comprehension; certainly it is beyond mine.

I will now inquire whether Texas has not a right to enter, if she chooses, into a treaty of annexation? Does the senator from Missouri deny *her* right? I am sure no one of the senators on the other side will venture to deny it. I ask, is Texas rightfully entitled to the disposal of her own destinies? can she do as her sovereign will may dictate? If she is a sovereign power, she certainly possesses the right to dispose of herself as she pleases; and if *she* has this right, and may lawfully annex herself to the United States, does it not irresistibly follow as a corollary, that the United States has a corresponding and equal right to receive her? What means the right of property? Is there not implied in the very terms, the right of the proprietor to sell, and the correlative right of every other person to purchase? Can one conceive of the one right without the other? They cannot be separated, even in idea. That, then, is now the naked question; and yet it is said that it would be a flagrant outrage upon the *de jure* claims of Mexico should the United States enter into this treaty of annexation with Texas, by which we receive nothing more than she has an undoubted right to convey.

I think it must be apparent, by this time, that the notion of the United States being guilty of a violation either of good faith or the rights of Mexico, is a mere phantom, and founded in a total misconception. Let us again take the analogy of a conveyance of landed estate. The senator from Missouri would say, I suppose, that if the land to be conveyed be subject to the claim of a third party, however frivolous, no person can lawfully purchase from the rightful owner in *actual possession*. The honorable senator will perhaps say that a purchaser, under these circumstances, would buy a law suit. If the third party has been actually ousted, and has failed to bring his action at law for eight years, the most prudent man would not hesitate to purchase, particularly if he knew the adverse claim to be merely vexatious, and kept up for the sole purpose of inducing the true owner to buy his peace. And this brings me to the question involved in one of the resolutions moved by the senator from Missouri—viz: do we, in taking Texas, take also a war with Mexico?

We are, in my judgment, precisely in the condition of one who has bought a tract of land against which there is a fictitious paper claim. We take Texas as she is: as a man takes his wife—"for better or for worse, and with all her perfections and imperfections on her head." We are prepared to take her on that condition.

But the honorable senator from Massachusetts [Mr. CHOATE] and the honorable senator from Missouri [Mr. BENTON] say that if you ratify this treaty you rush at once into a war with Mexico. That was my doctrine in 1836: for Texas was then, in fact, what she is now erroneously denominated—a "rebellious province." But since the battle of San Jacinto, Mexico has not made a single military movement towards recovering her lost dominion. Since that battle, Mexico has done nothing that deserves the name of war. She has been able to make no single effort that rises above the dignity of a temporary incursion for the purpose of plunder and rapine, always concluded by a precipitate retreat. She has not made, nor has she been able to make, a single effort to resubjugate Texas.

What does Mr. Webster say on this point? With that correct and felicitous use of language for which he is so remarkable, he says to Mr. Bocanegra, "the foot of an invader from Mexico has not *rested* on the soil of Texas since the battle of San Jacinto." This is literally true. The "soles of unblest feet" have found no resting place there. But senators insist that the war is still raging. Appealing to the gasconading proclamations of Mexico, the senator from Missouri asks: "Is this peace?" Then the honorable senator went on to illustrate what constitutes peace. Without answering him, on this point, I propose to show the senator what constitutes war. I shall not go with the senator from Missouri to a dictionary, either military or civil, to settle the question; though, were these authorities consulted, I have no doubt they would confirm all that I am about to say. I will first show what the senator from Missouri regards as the definition of war. The President of the United States—with a precaution and wisdom, I must say, that will do him great credit, and with a firmness worthy of General Jackson in his best days—has not proceeded in this matter, as if it were a game of children's play. He has boldly, but wisely and prudently, come up to the emergency. Well knowing the character of Mexico, and aware that our citizens might be exposed to predatory acts on land, and piracy on sea, he has given such orders for the movement of our military and naval forces as the occasion demanded. It would have been downright drivelling to have done less. But if the President had directed these movements with the constitution open before him, and a council of Philadelphia lawyers at his elbow, he could not have plumbed the line of his constitutional power more precisely than he has done. The orders to the home squadron, and the army of observation sent to the Sabine, were to watch and ascertain the threatened movements of Mexico, should any such be made, and promptly report them to headquarters here, that *they may be as promptly reported to Congress*.

Now, on the authority of these orders, the senator from Missouri assures us, and with great vehemence, too, that "we are already at war with Mexico." In support of this assertion, he gravely turns to a military dictionary; and there he finds, from one of its definitions, that a "corps of observation" is a military corps sent to explore the movements of an "*enemy*." There (says the senator) is war for you! You have called the squadron ordered off the Mexican coast a "squadron of observation," and the detachments ordered to the Sabine a "corps of observation;" and on the authority of the military dictionary, he says the President has made war against Mexico! If to employ a corps of observation is to make war, then we are at war with Mexico, doubtless; and not with Mexico alone, but with all the powers in the West Indians, on the Mediterranean, and on the coast of Africa; for we have squadrons of observation in every sea to protect our commerce, and to make war on pirates. But I do not exactly concur in this definition; and I shall now attempt, not to define, but to show, by plain illustrations, what is war, and what, in my opinion, is not war.

Mr. CHOATE here interposed to explain. He had referred, not to the dictionary, but to writers on the law of nations—to Rutherford and Grotius.

Mr. McD. resumed. After the battle of San Jacinto, where five hundred men conquered a thousand, killing one half, and making the other half

prisoners, and capturing the Mexican chief in person,—after this battle, thus glorious to the solitary star of Texas, the captive chief, to save his own life, recognised Texian independence, so far as it was in his power to do it; and all the generals who were with the invading army concurred in the measure, to save the whole from destruction; and all the authorities of Mexico—so precious did they deem the life of their chief, boastfully denominated the “Napoleon of the South”—ratified, by fair implication, the convention which he had made with the authorities of Texas; and I refer to this convention, because I deem it more relative to the issue than the treaty of Cordova, to which the honorable senator referred—not because it was a valid treaty, but as an illustration and a proof of a historical fact. Now I consider the convention of San Jacinto a fact the more important, because that same Santa Anna is now at the head of the Mexican republic. Now the honorable senators insist that although, during the eight years that have elapsed since the date of this convention, no hostile Mexican foot has rested on the soil of Texas, and no war of conquest has been attempted, but only the brief incursions of irregular bands for purposes of pillage and plunder, yet the war is still raging? Why, said the honorable senator from Massachusetts, “read the proclamations put forth by the Mexican government, and all her public official acts, denouncing vengeance; and will you call that peace? Read the counter proclamations and defiances of Texas; and will you call that peace?” Sir, I admit at once, that if war consisted in manifestoes and proclamations merely—if it could be carried on by “paper bullets of the brain”—then there might be now a flagrant war raging between Mexico and Texas.

But I will now bring this question to the test of a practical illustration. I am not sure that the senator from Massachusetts [Mr. CHOATE] has ever witnessed a fight between two bullies on a court-house green. For his especial benefit, I will therefore suppose a pitched battle to take place between two such heroes—the respective champions of two militia regiments. The largest of these bullies, it shall be supposed, gets horribly and disgracefully whipped, and returns from the ring with a bloody nose and fallen crest. The battle between them did not last over five minutes; but the defeated hero, having reached a safe position, with a sufficient interposition of distance, stands there for two long hours by Shrewsbury clock, cursing, vilifying, and denouncing his adversary in all the choice phrases which can be collected from the vocabulary of bilingsgate or a Pope’s bull—the conquering hero hearing all this with perfect composure, and in all the dignified silence of contempt. Now, will the senators from Massachusetts and Missouri be good enough to tell me how long, in this case, the fight actually lasted? Did it continue only five minutes, or two hours? Did it continue during the actual conflict, or during the whole period in which the defeated hero continued to hurl his impotent curses at the head of his conqueror? The answer to these questions will, in my opinion, settle the question whether Mexico is at war with Texas. For myself, I consider this fight to have lasted just five minutes, and no longer. But, for sake of variety, I will suppose another conflict equally in point—one which I presume, as I did before, the senator from Massachusetts never witnessed in his life, but which I feel very sure the honorable senator from Missouri has witnessed very often—I mean a cock-fight. I will suppose, then, a fight

to take place between a *large* dunghill rooster and a *small* game-cock, to make a precise fit in the illustration. The dunghill cock, as is usual with birds of that feather, gives a violent flap or two, and then shows his feather, hack, and runs. When he gets out of the reach of danger, he turns round, picks up a gravel to stimulate his crawl, struts for a moment, and then crows—the signal of defiance universally recognised among fighting cocks. The instant the game cock hears this signal, he darts at his adversary, who shows the white feather, and runs again. After repeating these hostile demonstrations, by his throat and heels, for two or three times, this dunghill rooster, finding that his adversary has finally given up the pursuit, joins a party of hens, and commences a war of strutting and crowing, which he continues for two hours. Now, I ask the senators from Massachusetts and Missouri, whether they consider these two hours of strutting and crowing as a continuance of the war?

But, to be serious: Mr. President, is it not at once a violation of all the proprieties of the English language, and a denial of all the doctrines of international law, to assert that the war of Mexico against Texas is a war *de facto*, when she has for eight years ceased to prosecute it, and when her total inability to conquer Texas is notorious to the whole world? Sir, *the war is at an end*. The United States have a perfect right to assume that there is no war—much less a war of conquest—between Mexico and Texas. We can pay no attention to mere gasconading bulletins and impotent proclamations. Since, then, the war between Mexico and Texas has ceased to exist for eight years, with what propriety can it be said that we shall make war upon Mexico by annexing Texas? The imputation is wholly gratuitous and unfounded.

Having thus, from reason, and from the law of nations, shown that to receive Texas into this Union will neither involve a breach of national faith nor war with Mexico, I shall now proceed to confirm these positions by examples taken from our own history.

The senator from Missouri said that this reference to precedents might be made for purposes of crimination. I assure that honorable senator that I shall refer to these examples with the profoundest respect for the administrations by which they were furnished to us, and with no desire to criminate any one. I ask, then, what was the state of the relations between Spain and Mexico in 1825, when Mr. Clay, as Secretary of State under Mr. Adams, proposed to Mexico the purchase of Texas? The war with Spain was still in existence; certainly it was not terminated according to the doctrine of the honorable senator, but was very soon afterwards rigorously prosecuted. In proof of this, I refer to the fact that, four years afterwards, the navy of Mexico was driven from the ocean, and her ships actually abandoned, and her territory invaded by a powerful army.

Surely, Mr. President, those who maintain that the war is not now terminated between Mexico and Texas, cannot, with any sort of consistency, maintain that the war between Spain and Mexico was then, at an end. Yet Mr. Adams and Mr. Clay then made a deliberate offer to purchase Texas from Mexico, without deeming it necessary to consult Spain, whose title to Mexico was much stronger then than that of Mexico to Texas now. But there is yet a higher authority. In 1829, the territory of Mexico was invaded by a large army, and her ports

blockaded by a numerous and triumphant fleet, from March to October. During this campaign, which threatened to effect a resubjugation of Mexico, in August of that year, while a Spanish invading army was actually upon her soil, Mr. Van Buren, the then Secretary of State, by order of President Jackson, made to Mexico a proposition to purchase Texas; and, in his instructions to our minister at Mexico, he urged, as a reason to induce Mexico to make the sale, that the five millions of dollars which were offered her as the purchase money, would enable her to defend the rest of her territory against the power of Spain. On what ground, I ask, can either of these transactions be justified, if it would now be a violation of the national faith to admit Texas into the Union? If there are two men in the United States estopped from making the charge of violated faith in this case, they are Mr. Clay and Mr. Van Buren. On the ground, then, of high precedent, as well as of reason and national law, I say again, that there is not a shadow of ground to say that it would be any violation of good faith whatever to ratify this treaty.

Thus much for our *right* to receive Texas; and now as to the duty.

I said it was not only the right, but the duty, of the President to make this treaty, and of the Senate to ratify it. What are the arguments which address themselves to our understanding, and lead to this conclusion?

I ask if any senator here indulges for a moment the idea that Great Britain is to be permitted to obtain the control of Texas, by a treaty of guaranty, stipulating for exclusive commercial privileges, without an effort to prevent it?

Now, when Providence seems to have offered Texas to our embraces, if we reject the offer, and let slip the "golden moment," we shall be justly exposed to the condemnation of our own people, and the ridicule of Europe.

I never, till now, fully realized the truth and justice of Mr. Monroe's declaration, that no European power must ever be permitted to establish a colony on this continent. The more I reflect on the subject the more I am convinced that the interests, both of Europe and of this country, require that that declaration shall be maintained. Can there be a rational belief entertained by any thinking man, that, should Great Britain permanently secure the control of Texas, it will be utterly inconsistent with the interest of every portion of the United States? And do not senators see unequivocal indications, that England is seeking that control, and making all the exertions in her power to obtain it? I bring no charge against England, as cherishing a spirit of universal domination. I make no such imputation. She is doubtless doing all in her power to advance and secure her own commercial prosperity, by means of her diplomacy. I do not mean to say she is making any hostile demonstrations against the United States; but I do say that she is making efforts by her diplomacy that we are called on to counteract, by every consideration of wisdom, prudence, and patriotism, by all the peaceful and precautionary means in our power. She is trying to obtain the control of a region large enough to make five States as large as Virginia. If she shall succeed in this, will she not be able, at any moment, to throw her whole military force into the rear of the United States, and thus attack us on our weakest point? General Jackson has not exaggerated the importance of the annexation in this view of the subject.

I cannot suppose that there is any portion of the Union, which every senator here is not prepared, and does not feel bound, to protect against every danger. This is a consideration which rises above all party distinctions, above all local interests. If ever there was a question strictly national, this is one. I do not denounce the efforts of England; yet I feel myself called on, as an American patriot and statesman, to do all which I constitutionally may, to counteract her efforts, believing they would be vitally injurious to my country, however intended. With the views I entertain, I should regard myself as "a traitor to the best interests of my country," if, with such an imminent danger impending, I should refuse to sanction the only act which can save us from a great national calamity.

I shall not speak of the value of the lands in Texas, nor of their immense productiveness in cotton; for, so far as that view is concerned, it is the senator from Massachusetts, and the State of Massachusetts, and not myself and South Carolina, that are peculiarly interested. So far as I have a mere pecuniary interest, as a cotton planter of South Carolina, I know perfectly well, that in receiving Texas I rear up against myself and my constituents a formidable competition. In this view, I have no more interest in urging the ratification of this treaty, than the senator from Massachusetts would have in inviting to the neighborhood of Boston, or Lowell, a competitor who possessed some new and secret improvement in machinery, by means of which he could undersell all existing competitors. But the whole South has an interest in the annexation proposed; and while I shall endeavor to show the nature of that interest, I invoke the earnest attention of the Senate. The interest we have in this question is one which we hold under the sacred guaranties of the constitution; and it involves not our property only—all of our property—but our very existence as political communities. The honorable senator from Massachusetts said, on a former occasion, and with great eloquence and emphasis, that, but for the protective system, he would instantly abandon the sterile soil of Massachusetts, and fly for relief to other and more fertile regions. And I say, let those fearful calamities come upon us, which may result from what England considers as her philanthropic policy of extending by her counsels the spirit of universal emancipation—let the avowed wishes of Lord Brougham and Lord Aberdeen for the abolition of slavery throughout the world be consummated as respects South Carolina, and, as God is my judge, I would seek a refuge on the highest and most barren mountain of Switzerland rather than remain in my own native land, highly favored as it is by the choicest blessings of a merciful Providence, if I am to be surrounded by the curse and the plague of an emancipated negro population. The whole civilized world is laboring under a perfect hallucination on the subject of negro slavery as it exists in the United States. There is no one of the communities of the earth, if we except the slaveholding States themselves, has the slightest conception of the true character, and the moral and political effects of an institution against which their intrusive and injurious denunciations and intermeddling machinations are so perseveringly directed. I do not say this to defend that institution, upon the supposition of a right either here or elsewhere to interfere with it in any way, much less to pronounce judgment upon it; but I speak to dispel a prevailing delusion from the

minds of those whom the constitution has bound to protect it as much as it binds them to protect the manufactures of New England against the incendiaries or the soldiers of a foreign power. Will any patriot attempt to make a distinction between the social rights and institutions of the States of this confederacy? That this government may constitutionally refuse to extend its protection to the property of twelve States of the Union, and even give "aid and comfort" to foreign and domestic associations, avowedly aiming at its destruction? It has no right to inquire into the character of any State institution; that belongs wholly and exclusively to the sovereign people of the State where the institution exists. Now, sir, whatever others may think, there is a deep and universal conviction impressed upon the minds of all the people of the South and southwestern States, that the acquisition of a controlling influence over Texas by Great Britain—having the views she distinctly avows—will be imminently dangerous to these institutions. We ask you to give us nothing; we only ask you to protect the property we have, which we hold by a title derived from the ancestors of our fellow-citizens of the North during our common dependence on Great Britain. They imported the slaves under the laws and auspices of the mother country, and against the protests of some of the southern colonies, and sold them to the ancestors of those who now hold them, and warranted the title. And the solemn guaranty afterwards made by the federal constitution was nothing more than a confirmation of this warranty.

I introduce this topic here on this occasion to show how unjust it is to the people of the South, who have this moral and constitutional right to demand of this government the protection of this description of property, to treat it as a sort of *crimen læsæ majestatis*—as an offence against the majesty of abolitionism at home and abroad, to talk about it at all in discussing a question which involves its existence. It has been significantly hinted here, and openly affirmed elsewhere, that the Secretary of State, by even alluding in his official correspondence to the subject of slavery, and the avowed designs of Great Britain in relation to it, had committed a gross indecorum towards the abolition spirit of the North, which would drive northern senators from the support of this treaty. What, sir, has it come to this?—that a man who feels himself to be a free citizen of these United States dare not even speak of his rights, and of the obligation of this government to protect them against every danger, direct or indirect, open or disguised, from whatever quarter it may come? A more stinging insult could not be offered to a free people. It has, again, been said, in certain quarters of the Union, that Texas shall not be received into the confederacy of the United States because it will prove a nursery of slavery. Allow me to present a plain and practical view as to this aspect of the question.

What, then, will be the effect of the emancipation of our slaves, or of a policy which shall confine them to the limits of the existing slave States? What shall be done with the emancipated slaves which will be crowded upon us? Is there any theorist so visionary as to think that all the emancipated slaves of the United States can be colonized in Africa? Why, sir, the annual increase of these people by procreation is one hundred thousand. And how many have the labors of the benevolent societies of the United States annually transported from this country? Not one hundredth part of that number.

They have scarcely checked the increasing numbers of the free people of color already existing in the United States.

That population in the United States cannot be diminished, but must be increased. Now, if we shall annex Texas, it will operate as a safety-valve to let off the superabundant slave population from among us; and will, at the same time, improve their condition. They will be more happy, and we all shall be more secure. But if you pen them up within our present limits, what becomes of the free negroes, and what will be their condition? I have not seen them congregated in great numbers, so as to form a sort of community, any where but in Philadelphia; and of all the spectacles of squalid wretchedness to be found on the face of the habitable globe, save, perhaps, in the purlieus of London, they there exhibit the most wretched and revolting. They are, in every view of moral dignity, a libel upon the human race. Though they live under the control of wise laws, devised and enacted by not a bad specimen of the Anglo-Saxon race, yet there they are such a spectacle of human degradation and misery. If we send them to Africa, what will, in a little while, be the spectacle they will exhibit there? It will be worse than that which St. Domingo exhibits now, after a progress of forty years in the experiment of self-government. A philanthropist will be just as much puzzled to ascertain the inscrutable purpose of God in placing such beings upon the face of the earth, as for what purpose he created scorpions or rattlesnakes. In St. Domingo, they have had the right of self-government for forty years; and what has been their history? Indolence, poverty, faction, oppression, and civil strife. Wave after wave has passed over their wretched country, and every wave now promises to be a wave of blood. The truth is, they are utterly incapable of self-government. Even now, after the progress they have made in Christian civilization—in the school of slavery and under the dominion of a superior race—I deliberately pronounce it as my opinion, long entertained, and founded upon an intimate knowledge of the negro character, and confirmed by the fatal experiments made in the West Indies, that the privilege of self-government, conferred upon the slaves now existing in the United States, formed into a separate community, would be the greatest curse that could be inflicted upon them. And if they should be sent back to Africa, they would speedily relapse into the condition of their savage ancestors. What, then, shall we do with them? Remain with us as free, they cannot. We shall be constrained to throw them off as a nuisance upon our neighbors; and the result to them will be worse than if half the parishes of England should, by combination, throw off their paupers on the other half. The injury to the free States, from such an operation, would be much greater than that which would be experienced, in the case supposed, by the inundated parishes.

I trust I have shown that we have a moral and constitutional right to demand the protection of this immense amount of slave property, and that all the States of the Union are alike interested in giving that protection, till the providence of God shall provide some natural and safe process of getting rid of this description of people.

I deeply regret the necessity of referring to the topic at all; but as it is maintained that this institution is a curse which must be removed, and as the avowed desire and effort of those who entertain this opinion, is to produce universal and immediate

emancipation, I ask, in no spirit of recrimination, how did the South come to be afflicted with this moral and political abomination? Sir, it came to us of the present generation, and our ancestors for some generations past, by inheritance. For nearly half a century no slaves have been imported. For more than a century preceding the termination of the slave-trade, that infamous traffic was carried on by the ships of Old England and New England; and I believe it was a royal monopoly in the mother country. In all the southern colonies I am not aware that there was ever a single ship engaged in this traffic. For the horrors of the middle passage, which have been so often held up to excite sympathy and indignation, the responsibility rests exclusively on the ancestors of those who are now so strongly animated by a blind, reckless, and fanatical zeal for the immediate emancipation of our slaves, in violation of the double guaranty under which we hold them, by the law of contracts, and the constitutional compact of our Union, as equal and sovereign States. And it is a remarkable coincidence, that those European States who never had any agency in the slave trade, scrupulously observe the great conservative law of non-interference in regard to our domestic institutions; while those States, European and American, who are really and exclusively responsible for the original sin of slavery, are combined together in waging a great moral and religious crusade against an institution which they have themselves brought upon the slaveholding States of this Union!

I have often looked at the ways of Providence with the profoundest admiration and homage, when I have seen by what extraordinary agencies God is able to bring good out of evil. It is obvious to my view, that he has actually educed good to mankind, even out of all the blood and atrocity which has marked the slave trade. A more detestable, a more abominable traffic never tarnished the annals of our race; and yet, what has been its result? Two and a half millions of the African race, whose ancestors were brought to this country in the lowest and most brutal state of savage degradation, are now, after a century and a half of slavery, a civilized, religious, and I will add happy and contented, people. Comparing their present condition with that of the tribes from which they were taken, it is apparent that they made larger advances in moral and intellectual improvement, than they could have made in Africa in ten centuries, with all the exertions of ten thousand missionaries.

Such is the institution of slavery in the United States. Such are the means by which it was brought upon us; and such are the results which have grown out of it. When, therefore, we appeal to the States of the North to protect this institution from the imminent danger to which it exposed, I trust no Senator, no Senator representing a slave-holding State, at least, will consider the bare fact of our *making* this appeal a sufficient ground for rejecting a measure calculated to afford the desired protection, and eminently expedient upon more general grounds of national policy.

A great deal has been said about the original title of the United States to the territory of Texas; and it has been repeatedly alleged that the title was improperly alienated by the act of cession to Spain in 1819. I understood the honorable Senator from Missouri to make this charge against Mr. Monroe's administration; and I further understood him to say, that he had once cast the blame on a distinguished

gentleman from Massachusetts, then a member of Mr. Monroe's cabinet, and now a member of the other House; but that he now retracted that charge, because that individual had publicly and privately declared that he was the last member of that cabinet who yielded his consent to the cession. I now propose to put the Senator from Missouri right in this matter. For this purpose, I shall read a short extract from a speech of the honorable John Quincy Adams, delivered in the year 1838, on this very subject, which will totally overthrow all the arguments of the honorable Senator from Missouri as to our title to Texas, even to the extent to which he would carry the boundary.

Here Mr. McDuffie read the following extract from Mr. Adams's speech:

"I thank the gentleman for his ready and frank admission: but, sir, there is a long story connected with this matter; and now, though it is two years since the charge was fully refuted, it appears before this House in an act of the legislature of a sovereign State, and it is presented as one of many strong motives here urged to induce the people of the United States to consent to the annexation of Texas. I will not discuss it now. But at a proper time I hope to be permitted to show that I never did consent to barter away this or any other right of the people of the United States for an alleged equivalent of inferior value; but, on the contrary, that this very claim which the legislature of Alabama thinks so just and fair, and which the gentleman from South Carolina [Mr. Thompson] still continues to think a just claim, and which has been so laid down in another place, as if the matter did not admit of dispute, is as flimsy a claim as ever was set up by one nation against another. This I am prepared to show. It was no right. It was a claim. It was a claim of all the territory to the Rio del Norte, when, in fact, there never had been a division of that territory, or an adjustment of that claim with another and much better authenticated adverse claim of Spain. On what ground is the accusation brought against me of bartering away this territory for a mess of porridge? What pretence is there for such an accusation, when I was but the scribe, but the pen in the hand of the President, in an administration in which there were two-thirds of its number from that portion of the Union which now manifests so strong an interest in behalf of the annexation of Texas to this Union? When every line and every sentence of the treaty was sanctioned by that cabinet, and when every senator of the United States—from North, South, East and West—confirmed it by his vote, and not a voice was raised against it. The sentiment was unanimous in the Senate, and it became equally unanimous throughout the Union, that the treaty was one of the most favorable ones for us which ever had been concluded since the United States became a nation. I hope the time will come when I shall have an opportunity of presenting such a demonstration of this as shall leave no doubting mind, not even in Alabama."

I now beg leave to say, in conclusion, and as an admonition to the Senate how eventful may be the vote we are about to give, that I do conscientiously believe, on the evidence before us, published and unpublished, that this question as to the annexation of Texas presents the alternative to us in the significant and emphatic language of General Jackson, of doing it "*now or never*." In uttering these words, he "*spoke as one having authority*." We all know that he had recently had a conference with the confidential secretary of President Houston, who disclosed fully the condition of Texas and the views of her government. With this knowledge in his possession, he says to the people of the United States, "*this is the golden moment*." This lost, Texas is gone forever; and it falls, of course, into the arms of a foreign power. It is a grave, and I will even say an awful responsibility, which now devolves upon this Senate. And I tell gentlemen on the other side, that in this responsibility they have more than a proportionate share. Suppose that the prediction just made shall be fulfilled; suppose that, in ten days after we reject this treaty, another, a treaty

of guaranty should be entered into between the minister of Great Britain and President Houston, by which the controlling power of that country shall be established in Texas forever: how deep will be the regrets and self-reproaches of those who, having the power to prevent such a great national calamity, have failed to do it!

Are senators prepared to say, with Mr. Van Buren, that if any European nation should get a foothold in the Gulf of Mexico, that power shall be expelled at the expense of a war; and yet to reject the offered boon of annexation by which such an evil would be peacefully and forever prevented?

Even if the evidence were much less direct and conclusive than it is, of a contemplated treaty between Great Britain and Texas, stipulating an exchange of protection for commercial and other equivalent advantages, a reasonable probability of such arrangements would seem to demand of us a prompt ratification of this treaty. I, then, implore honorable senators to pause long, and weigh deliberately, the confidential evidence before them, before they take a step which must prove to be irrevocable and fatal, and by which they may be exposed to the deep condemnation of an excited and indignant people.



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